

REMARKS

Claims 1-18 are pending with claim 18 being added.

Applicants acknowledge the Examiner's time and courtesy during the personal interview of 22 August 2003. See Interview Summary. Below is a summary of that interview.

- Exhibit Shown or Demonstration Conducted: None.
- Identification of Claims: Claims 1-17 were discussed.
- Identification of Prior Art: U.S. Patent No. 6,432,585 (Kamakami).
- Identification of Principal Proposed Amendments: None being made.

Arguments

Claims 1-6, 8-12, and 17 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Pat. No. 6,432,585 (Kawakami). The Action alleges that Kawakami (column 19, line 50 to column 20, line 45, and claim 45) teaches an electrode including a coated metal core of tin or an alloy, and a tin grain host material having one or more materials, and may be further coated with or more layers of oxides. Applicants respectfully traverse these rejections.

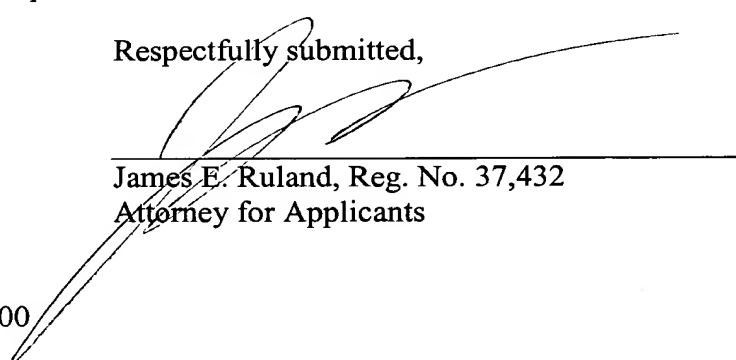
The citation at column 19, lines 50-58, discloses an electrode material layer, as opposed to an active coated metal core, comprising a host matrix material and one or more elements selected from the group consisting of C, N, O, F, and S. See particularly the electrode material layer 102, and the grained host material matrix 101 in FIG. 4. In addition, the text at column 19, lines 59-63, and claim 45 disclosing an oxygen element of tin oxide present in a tin or tin-alloyed particle surface fails to teach or suggest a coated metal core as in the present invention. As an example, the specification provides a coating thickness of about 0.03 – 0.05 μm , which infers a complete coating around the particle. See specification

page 13, lines 15-20 and new claim 18. Kawakami in no way teaches or suggests a completely coated particle. This difference is further illustrated by the fact that certain of the electrodes of the present invention are made by a different process (see allowed claim 7). A coated metal core results in a defined oxygen content and enables the regulation of Li_2O formation (see the specification, page 3, lines 20-23). Although it was mentioned at the interview that evidence or literature could be provided demonstrating that a coating as used in the present invention is different than the tin oxide on the tin particles in Kawakami, Applicants respectfully submit that the present claims, as discussed above, are patentable over Kawakami without such a submission. Consequently, Applicants respectfully submit that the rejections should be withdrawn.

In view of the above remarks, favorable consideration is respectfully requested. If there are any remaining issues which can be expedited by a telephone conference, the Examiner is courteously invited to telephone counsel at the number indicated below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,


James E. Ruland, Reg. No. 37,432
Attorney for Applicants

MILLEN, WHITE, ZELANO &
BRANIGAN, P.C.
Arlington Courthouse Plaza 1, Suite 1400
2200 Clarendon Boulevard
Arlington, Virginia 22201
Telephone: (703) 243-6333
Facsimile: (703) 243-6410

Attorney Docket No.: MERCK-2219

Date: **October 29, 2003**

K:\merck\2219\Reply to 5-29-03 FOA.doc

MERCK-2219